

KAPLAN HECKER & FINK LLP

Direct Dial: 212-763-0884

Direct Email: [rkaplan@kaplanhecker.com](mailto:rkaplan@kaplanhecker.com)

350 Fifth Avenue  
Suite 710  
New York, NY 10118  
(212) 763-0883  
[www.kaplanhecker.com](http://www.kaplanhecker.com)

January 31, 2020

**By CM/ECF**

The Chambers of the Honorable Judge LaShann DeArcy Hall  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Elliott v. Donegan, et al.*, No. 1:18-civ-05680-LDH-SJB

Dear Judge DeArcy Hall,

On behalf of Defendant Moira Donegan, we write to respond briefly to Plaintiff Stephen Elliott's letter to the Court this evening (ECF 54).

Unlike Plaintiff, we think Your Honor's January 29 Order was clear and do not perceive any ambiguity in the Court's statement that oral argument will be "on the issue of Plaintiff's status as a limited-purpose public figure." Indeed, the January 29 Order makes no mention of the issues of actual malice or CDA immunity.

Nevertheless, as Plaintiff indicated, we are available for a telephonic conference on Monday afternoon to discuss this issue further if the Court believes that such a call is warranted.

Respectfully Submitted,



\_\_\_\_\_  
Roberta A. Kaplan, Esq.  
Kaplan Hecker & Fink LLP

*Counsel for Defendant Moira Donegan*